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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/525,229	10/12/2005	Oliver Feilen	21438	7192
Peter N Lalos Stevens Davis Miller & Mosher Suite 850 1615 L Street NW Washington, DC 20036-5622			EXAMINER TRAORE, FATOUMATA	
			ART UNIT 2136	PAPER NUMBER
			MAIL DATE 04/02/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/525,229

Applicant(s)

FEILEN ET AL.

Examiner

FATOUMATA TRAORE

Art Unit

2136

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 October 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-85/86)
- Paper No(s)/Mail Date 02/22/2005
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is in response of the original filing of February 22nd, 2004. Claims 1-13 are pending and have been considered below.

Claim Objections

2. Claim 1 is objected to because of the following informalities: claim 1 recalls a method without specifying the steps involved in a proper us format method. Appropriate correction is required.
3. Claim 2 is objected to because of the following informalities the examiner notes the use of acronyms (e.g. OTP, etc.) throughout the specification without first including a description in plain text, as required. Appropriate correction is required.
4. Claims 2-7 are objected to because of the following informalities: the claims recalls to a process claim; Independent claim 1 recalls to a method claim; Applicant needs to be consistent with the terminology used in the independent and dependent claims. Appropriate correction is required.
5. Claims 5-7 and 13 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claims 3 and 12. See MPEP § 608.01(n). Accordingly, the claims 5-7 and 13 not been further treated on the merits. However, for examination purpose only the examiner will interpret claim 5 as depending on claim 3 therefore will examine claims 5-7.

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6. Claim 8 is objected to because of the following informalities: the claim recites the limitation of "control device", the examiner suggests "a control device". Appropriate correction is required.

7. Claim 11 is objected to because of the following informalities: claim 11 recites the limitations of "the control device as claimed in one of claims 10" it is unclear to the examiner what applicant is trying to claim. For examination purpose only claim 12 will be treated as depending of claim 10. Appropriate correction is required.

8. Claim 12 is objected to because of the following informalities: claim 12 recites the limitations of "the control device as claimed in one of claims 10" it is unclear to the examiner what applicant is trying to claim. For examination purpose only claim 12 will be treated as depending of claim 10. Appropriate correction is required.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 1, 2, 8 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Terada et al (US 6,505,280).

.Claims 1 and 8: Terada et al discloses a method and a control for protecting at least one motor vehicle component against manipulation in a control device comprising at least one microcomputer (μ C) (*Fig.1, item 30*) and at least one

original memory module (2, 3) (*Fig. 1*), characterized in that the microcomputer (μ C) reads out and stores one specific original identifier (ID) of at least one memory module (2, 3) from the memory module (2, 3)(*self held ID stored in the mask ROM*)(column 11, lines 19-27).

Claims 2 and 9: Terada et al discloses a method and a control for protecting at least one motor vehicle component against manipulation in a control device as in claims 1 and 8 above, and further discloses wherein at least one identifier (ID) is stored in an (OTP) area (11) (*herein refers as ROM*) of the microcomputer (μ C), which area is writable only once (Column 11, lines 20-45).

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 3-6 and 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Terada et al (US 6,505,280) in view of Hirota et al (US 7,062,652).

Claims 3/1, 3/2, 10/8 and 10/9: Terada et al discloses a method and a control for protecting at least one motor vehicle component against manipulation in a control device as in claims 1 and 8 above, but does indicate wherein the identifiers (ID) stored in the microcomputer (μ C) are used at least in part for authentication of the memory modules (2, 3). However, Hirota et al discloses a semiconductor

memory, which further discloses wherein the identifiers (ID) stored in the microcomputer (μ C) are used at least in part for authentication of the memory modules (2, 3)(*the player 201 encrypts the device ID 1302 using the master key 1301, and sends the encrypted device ID 1302 to the memory card 109. (2) The memory card 109 decrypts the received encrypted device ID 1302 using the master key 323a, and checks whether the obtained device ID 1302 has already been stored in the device ID group storage area 1310. (3) When it is judged that the device ID 1302 has already been stored, the memory card 109 notifies the player 201 that the authentication has been affirmative*) (column 24, line 60 to column 25, lines 25) Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the teaching of Terada et al such to include an authentication unit. One would have been motivated to do so in order to protect the content of the memory device as taught by Hirota et al (column 1, lines 15-21).

Claims 4/3/1, 4/3/2, 11 and 12: Terada et al discloses a method and a control for protecting at least one motor vehicle component against manipulation in a control device as in claims 1 and 10 above, but does indicate wherein the identifiers (ID) stored in the microcomputer (μ C) are used at least in part for authentication of the memory modules (2, 3). However, Hirota et al discloses a semiconductor memory, which further discloses wherein authentication is effected by comparison of the original identifier with the current identifier (*the player 201 encrypts the device ID 1302 using the master key 1301, and sends the encrypted*

device ID 1302 to the memory card 109. (2) The memory card 109 decrypts the received encrypted device ID 1302 using the master key 323a, and checks whether the obtained device ID 1302 has already been stored in the device ID group storage area 1310. (3) When it is judged that the device ID 1302 has already been stored, the memory card 109 notifies the player 201 that the authentication has been affirmative) (column 24, line 60 to column 25, lines 25)

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the teaching of Terada et al such to include an authentication unit. One would have been motivated to do so in order to protect the content of the memory device as taught by Hirota et al (column 1, lines 15-21).

Claim 5:: Terada et al discloses a method for protecting at least one motor vehicle component against manipulation in a control device as in claim 1 above, but does indicate wherein authentication is effected by the encryption of data or programs, the key containing at least one part of one of the original identifiers (ID). However, Hirota et al discloses a semiconductor memory card, which further discloses wherein authentication is effected by the encryption of data or programs, the key containing at least one part of one of the original identifiers (ID)(column 15, lines 10-45). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the teaching of Terada et al such to include an authentication unit. One would have

been motivated to do so in order to protect the content of the memory device as taught by Hirota et al (column 1, lines 15-21).

Claim 6:: Terada et al discloses a method for protecting at least one motor vehicle component against manipulation in a control device as in claim 1 above, but does indicate wherein data, which are stored in one memory module (2, 3) are encrypted by a key which comprises at least one of the original identifiers (ID) and said data are stored encrypted in one of the memory modules (2, 3). However, Hirota et al discloses a semiconductor memory card, which further discloses wherein data, which are stored in one memory module (2, 3) are encrypted by a key which comprises at least one of the original identifiers (ID) and said data are stored encrypted in one of the memory modules (2, 3)(column 15, lines 10-45). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the teaching of Terada et al such to include an authentication unit. One would have been motivated to do so in order to protect the content of the memory device as taught by Hirota et al (column 1, lines 15-21).

13. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Terada et al (US 6,505,280) in view of Goldstein (US 6,934,860).

Claim 7: Terada et al discloses a method for protecting at least one motor vehicle component against manipulation in a control device as in claim 1 above, but does explicitly disclose wherein the data and programs which are stored encrypted in

the memory module (2) comprise at least one fingerprint. However, Goldstein et al discloses a method of manufacture for knowledge based password, which further discloses The process as claimed in claim 6, wherein the data and programs which are stored encrypted in the memory module (2) comprise at least one fingerprint(column 16, lines 58-67). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the teaching of Terada et al such to include a fingerprint. One would have been motivated to do so in order to prevent unauthorized access to computers and other systems as taught by Hirota et al (column 1, lines 7-15).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fatoumata Traore whose telephone number is (571) 270-1685. The examiner can normally be reached Monday through Thursday from 7:00 a.m. to 4:00 p.m. and every other Friday from 7:30 a.m. to 3:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nassar G. Moazzami, can be reached on (571) 272 4195. The fax phone number for Formal or Official faxes to Technology Center 2100 is (571) 273-8300. Draft or Informal faxes, which will not be entered in the application, may be submitted directly to the examiner at (571) 270-2685.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group Receptionist whose telephone number is (571) 272-2100.

FT

Friday, March 28, 2008

/Nasser G Moazzami/

Supervisory Patent Examiner, Art Unit 2136